

SENATE BILL 1498

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 8,
relative to retirement for general sessions judges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-34-601(c), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Any Group 1, Group 3 or Group 4 state judge or general sessions judge who remains in service upon attaining seventy (70) years of age may continue to participate in the retirement system and to accrue creditable service.

SECTION 2. Tennessee Code Annotated, Section 8-34-603(a)(3)(A), is amended by adding the following new subdivision:

(vii) Any member establishing service in Group 4 who is a general sessions judge on or after July 1, 2011, which was rendered in a capacity covered by Group 1, Group 3, or Group 4, shall receive credit in Group 4. This credit in Group 4 shall apply to all creditable years authorized by the Tennessee consolidated retirement system that such judge may be entitled to or had accumulated on or before July 1, 2011. It is the intent of this provision that all credits by such judge shall be Group 4.

SECTION 3. Tennessee Code Annotated, Section 8-34-622, is amended by deleting the section in its entirety and by substituting instead the following:

8-34-622. Any member in Group 4 may establish creditable service only for service rendered and contributions made as a state or general sessions judge; an attorney general and reporter who meets the requirements of §8-34-623(b); a constitutional convention member as provided by §8-34-608; and for military service as provided by §8-34-605.

SECTION 4. Tennessee Code Annotated, Section 8-34-623, is amended by adding the following language as new, appropriately designated subsection:

(c) Notwithstanding any provision of the law to the contrary, any Group 1 or 3 general sessions judge defined herein shall be eligible to elect to transfer any service previously established as a state judge, general sessions judge; a member of a constitutional convention as provided by §8-34-608; and for military service as provided by §8-34-605, from Group 1 or 3 to Group 4 of the retirement system. It is further provided that such transfer of service shall occur upon the election by the member as Group 4 service and the lump sum payment, if applicable, of the difference between what the member would have contributed as a member of Group 4 and the amount of employee contributions to the member's credit on the effective date of transfer. If such election and transfer of service and applicable payment occurs within one hundred eighty (180) days of July 1, 2011, it shall be without interest. An election, transfer of service and payment occurring after one hundred eighty (180) days of July 1, 2011, shall include interest pursuant to §8-37-214.

SECTION 5. Tennessee Code Annotated, Section 8-34-715, is amended by deleting the section in its entirety and by substituting instead the following:

8-34-715. Notwithstanding any provision of law to the contrary, a state or general sessions judge shall receive full retirement credit for service rendered after such judge's seventieth birthday.

SECTION 6. Tennessee Code Annotated, Title 8, Chapter 34, Part 7, is amended by adding the following language as a new, appropriately designated section:

8-34-718. Notwithstanding any provision of law to the contrary, any state or general sessions judge, who, prior to July 1, 2011, participated in Group 1 or 3 classifications of the retirement system, may elect, by completing the necessary forms,

to transfer membership into Group 4 of the retirement system from and after July 1, 2011. The election to transfer membership shall become effective on the date of the election.

SECTION 7. Tennessee Code Annotated, Section 8-35-105(a), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) Group 4. State judges entering service on or after September 1, 1990; state judges transferring membership under chapter 34, part 7; any attorney general and reporter who meets the requirements of § 8-34-623(b) and enters service on or after July 1, 2005; any attorney general and reporter who meets the requirements of § 8-34-623(b) and transfers membership under chapter 34, part 7; any judge of a general sessions court who meets the requirements of § 8-34-623(c) and enters service on or after July 1, 2011; and any judge of a general sessions court who meets the requirements of § 8-34-623(c) and transfers membership under chapter 34, part 7.

SECTION 8. Tennessee Code Annotated, Section 8-35-105, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Notwithstanding any provision of the law to the contrary, any person becoming a member of the retirement system after June 30, 1976, shall be classified as a Group 1 member, except a state judge, an attorney general and reporter, and a general sessions, probate, juvenile or domestic relations judge who meets the requirements of § 8-34-623(b). A state judge becoming a member of the retirement system on or after September 1, 1990, shall be classified as a Group 4 member. An attorney general and reporter who meets the requirements of § 8-34-623(b) and becomes a member of the retirement system on or after July 1, 2005, shall be classified as a Group 4 member. A general sessions judge who meets the requirements of § 8-34-

623(c) and becomes a member of the retirement system on or after July 1, 2011, shall be classified as a Group 4 member.

SECTION 9. Tennessee Code Annotated, Section 8-36-204(b), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) In addition to all requirements for service, or early service retirement, any employee, except a Group 4 state or general sessions judge becoming a member of the retirement system on or after July 1, 1979, must have a total of ten (10) years of creditable service to qualify for retirement benefits. A Group 4 state or general sessions judge must have eight (8) years of creditable service to qualify for retirement benefits.

SECTION 10. This act is subject to funding being provided in the general appropriations act.

SECTION 11. This act shall take effect July 1, 2011, the public welfare requiring it.